

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

FLOYD PATTERSON, JR.,
as Special Administrator
of the Estate of FLOYD
PATTERSON, III,
deceased, Plaintiff,

vs.

TERRY FREEMAN, in his
official capacity,
et al., Defendants.

Case 20-CV-040-RAW

DEPOSITION OF
RACHEL PETROSKI

DATE: SEPTEMBER 29, 2021

REPORTER: MARISA SPALDING, CSR, RPR

Spalding Reporting Service, Inc.
1611 South Utica Avenue, Box 153
spaldingreportingservice@cox.net
Tulsa, Oklahoma 74104
(918) 284-2017

PLAINTIFF'S
EXHIBIT

7

1 Q Okay. Have you quit any of those
2 employers?

3 A Yes.

4 Q Okay. And I want you to walk me
5 through every employer you had and the
6 reason that you quit.

7 A The Springs. They mistreated their
8 employees. At Grace I did quit because
9 they built the new facility and we
10 transferred patients from the old to the
11 new. M Street, I don't -- I'm not sure why
12 I quit there. I think it was pay. And
13 then Dogwood, I had a baby. And Broadway
14 Manor -- I don't remember why I quit there.
15 I think I just moved on from there.

16 Q Okay. Anywhere else?

17 A Not that I recall.

18 Q Have you ever referred to yourself
19 as a nurse?

20 A No.

21 Q Because you're not a nurse, right?

22 A No.

23 Q Correct, you're not a nurse?

24 A No, I'm not.

25 Q Have you ever heard people refer to

1 Q (By Mr. Smolen) Ma'am, it's true,
2 is it not, that when you were asked on your
3 Muskogee County Jail application that if
4 you had ever used marijuana or any other
5 drugs not prescribed to you by a physician,
6 you answered no?

7 A Right.

8 Q And isn't it true that that's not
9 -- that's not true?

10 A Yes, it's --

11 Q It's a lie?

12 A Right.

13 Q Okay. And why should a jury
14 believe you if you're willing to lie on
15 your job application? Why should a jury
16 believe anything you have to say?

17 MR. ARTUS: Object to the form.

18 THE WITNESS: I don't -- I've
19 never been -- I don't know. I've never had
20 to do jury court.

21 Q (By Mr. Smolen) You lied on your
22 job application about your drug use,
23 correct?

24 A Correct.

25 Q Okay. Why should a jury -- if we

1 them no when you knew you had been a daily
2 marijuana smoker?

3 A I filled that out in a hurry
4 because I was hired like that day.

5 Q Okay. So you filled it out in a
6 hurry in a dishonest way, agreed? It
7 didn't take you any longer to write down
8 yes, did it?

9 A I mean, obviously, I didn't read
10 the question.

11 Q Okay. Why do you say obviously?

12 A Because I'm not a liar.

13 Q So you thought just by filling in
14 the answers without reading the questions
15 --

16 A Quickly, right.

17 Q -- that was okay?

18 A Correct.

19 Q That's what you're going to tell
20 the jury?

21 A Uh-huh, yes.

22 Q Can you read on the bottom part
23 there -- can you read to the jury what it
24 is that you certified on this page -- piece
25 of paper that you lied on? Just read that

1 part.

2 A The jury?

3 Q Yeah, we're going to play this to
4 the jury maybe, your transcript, okay, and
5 so I want to have you read this portion on
6 your job application that you certified.

7 A I certify that all statements made
8 in the questionnaire are true, complete and
9 correct to the best of my knowledge and
10 belief and are made in good faith. I
11 understand that my -- or that any false
12 information, misstatement or omission of
13 materials may subject me to
14 disqualification from consideration for
15 employment or dismissal.

16 Q So you -- not only did you answer
17 no and lie about your marijuana use, you
18 certified that it was a true statement?

19 A Uh-huh.

20 Q Yes?

21 A Yes.

22 Q And you signed off on it on 12/29
23 of '17?

24 A Yes.

25 Q Okay. So, again, you lied because

1 now you're telling me that you didn't
2 really read the questions and that you just
3 quickly wrote the answers down. So you've
4 lied twice now?

5 A Yes.

6 MR. ARTUS: Object to form.

7 Q (By Mr. Smolen) Right?

8 A Yes.

9 Q Okay. So you've lied multiple
10 times in your job application, right?

11 A Yes.

12 Q But you still think a jury should
13 believe what you have to say?

14 A Yes.

15 Q Ma'am, I'm going to have you look
16 at Page 6 of your application.

17 MR. SMOLEN: Andy, in your
18 production, it's 50 -- Page 51.

19 MR. ARTUS: All right.

20 Q (By Mr. Smolen) Do you recall
21 filling out the legal section of your
22 application?

23 A Yes.

24 Q It says: If you have ever been
25 arrested or convicted of any crime,

1 bunch of money to get it expunged.

2 Q So you could then lie about it on a
3 job application?

4 MR. ARTUS: Object to the form.

5 THE WITNESS: No.

6 Q (By Mr. Smolen) Because this
7 doesn't ask you about anything other than
8 whether you've been arrested?

9 A It doesn't ask about when you were
10 a juvenile.

11 Q Ma'am, how old were you in 2005
12 when you got arrested?

13 A 2005, I was 20...

14 Q Five?

15 A Yeah, 23.

16 Q Well, if you were born in 1980 --

17 A I'm not good at math.

18 Q That's okay. We all have our
19 weaknesses. You were arrested in 2005,
20 ma'am, and you lied about it in your
21 application, correct?

22 A Correct.

23 Q You were arrested in 2000?

24 A Uh-huh.

25 Q And you lied about it in your

1 application. You weren't an adult then.
2 You were 20?

3 A Okay.

4 Q You lied about those, correct?

5 A I just don't remember the exact
6 times. I don't --

7 Q I have it in your background check.

8 A Okay. Well, they -- they could
9 have pulled it up.

10 Q Okay. Ma'am, you weren't honest
11 with them about your legal issues in the
12 past, fair enough?

13 A Fair enough.

14 Q Okay. And, again, you still think
15 the jury should take your word for what
16 you're saying happened to Mr. Patterson?

17 A Yes.

18 Q Okay. But you lied about this
19 stuff, but you're not lying about anything
20 else?

21 A This has nothing to do with Mr.
22 Patterson.

23 Q Well, it has to do with your
24 honesty.

25 A And the stuff that happened to him

1 arrest because your driver's license was
2 suspended?

3 A No, from the DUI.

4 Q Who made the decision to hire you
5 at the Muskogee County Jail?

6 A Ellen and Melissa Jackson.

7 Q Did they do a job interview?

8 A Yes.

9 Q Did they go over your application
10 with you?

11 A What do you mean did they go over
12 it?

13 Q When you filled out this
14 application that we've been covering, did
15 Ellen and Melissa Jackson go over it with
16 you?

17 A They sat me down and interviewed
18 me.

19 Q And did they go over the
20 application that you filled out?

21 A I don't recall. It was sitting
22 there filled out.

23 Q And what position were you hired
24 into at the jail?

25 A CMA.

1 Q And the jail had a CMA position?

2 A Yes.

3 Q And what was your job description
4 as a CMA at the Muskogee County Jail?

5 A Certified medication assistant.

6 Q What was your job description?

7 A Certified medication assistant.

8 Q That's the title of your job? What
9 were you required to do in a CMA position?

10 A Medication to the inmates.

11 Q Did you have a written job
12 description?

13 A Did I have a written job
14 description? I mean, that's what I was
15 hired for.

16 Q That's not my question. Did they
17 provide you with a written job description?

18 A I don't know what you're asking.

19 Q Muskogee County Jail CMA, okay?

20 A Whoa, you don't need to yell at me.

21 Q Did they give you a job description
22 as to what that included?

23 A In --

24 Q I just don't want to waste my time
25 and everyone else's time --

1 certified medical assistant?

2 A No.

3 Q Okay. You are just a certified
4 medication aide?

5 A Yes.

6 Q Okay. And you understood that to
7 be your position at the jail is a certified
8 medication aide?

9 A Right.

10 Q Okay. And did you ever have a
11 position outside of that?

12 A What do you mean?

13 Q Did you ever -- were you ever asked
14 to act like a nurse?

15 A No.

16 Q Okay. Were you ever asked to serve
17 as like some kind of CNA?

18 A No.

19 Q Okay. It was always your position,
20 as you understood it, was always a
21 certified medication aide?

22 A Yes.

23 Q You're not a certified nursing
24 assistant, correct?

25 A Yes, that's what a CNA is.

1 A They don't do that anymore.

2 Q But online --

3 A It's old school.

4 Q I'm looking at your online state
5 certifications, okay?

6 A Correct.

7 Q And you're listed as certified
8 medication aide?

9 A Uh-huh.

10 Q You're listed as a home health
11 aide?

12 A Right.

13 Q And you're listed as a long term
14 care aide?

15 A Right.

16 Q Okay. Those are the three
17 certifications you hold?

18 A Correct.

19 Q Okay. And just to make sure we're
20 clear on the record, you never served,
21 while employed at the Muskogee County Jail,
22 in any other position other than a
23 certified medication aide, yes?

24 A Correct.

25 MR. SMOLEN: Okay. I want you

1 to get to -- let's go to Exhibit 11. This
2 is our Exhibit 11.

3 Q (By Mr. Smolen) Have you read
4 this, ma'am?

5 A I looked over it. I can read it
6 now.

7 Q You have looked over it?

8 A Read -- like I just skimmed over
9 it.

10 Q Okay. Well, let's go to the second
11 paragraph, okay? The last sentence says:
12 I then had medical nurse, Rachel Petroski,
13 to come down and do an assessment on
14 Patterson to see if we could accept him?

15 A Right.

16 Q Is that a true statement?

17 A I don't know.

18 MR. ARTUS: Who's statement is
19 that?

20 MR. SMOLEN: It's Robert
21 Reynolds.

22 THE WITNESS: Robert Reynolds.

23 MR. ARTUS: Okay.

24 Q (By Mr. Smolen) Well, we know that
25 you're not a medical nurse, right?

1 A Right.

2 Q And -- and you don't know why
3 Robert Reynolds thought you were?

4 A No.

5 Q Okay. But did you in fact -- were
6 you, in fact, asked to come down and do an
7 assessment on Floyd Patterson?

8 A I came down -- they asked me to do
9 -- to see if we were able to take him.

10 Q To do an assessment to see if the
11 jail would --

12 A I didn't assess him because at the
13 time I didn't -- I don't do assessments.
14 That's the nurses.

15 Q Okay. So Mr. Reynolds is lying
16 about what happened?

17 MR. ARTUS: Object to the form.

18 THE WITNESS: He's lying that I
19 was a nurse.

20 Q (By Mr. Smolen) And he's also
21 lying that he asked you come do an
22 assessment?

23 A I don't remember who called me
24 down.

25 Q But you're saying no one called you

1 to do an assessment?

2 A I didn't say that.

3 Q Okay. Were you called down to do
4 an assessment on Mr. Patterson?

5 A I was called down to see if we
6 could accept him. They wanted my opinion.

7 Q Okay. But that's outside of your
8 job description?

9 A Not at the time --

10 Q Well --

11 A -- because I was the only person in
12 medical there on a Sunday.

13 Q Okay. So there's -- there's
14 exceptions to your written job description?

15 A Yes.

16 Q Okay. And you're allowed to
17 practice outside of your written job
18 description when?

19 A When I -- at the time, I didn't
20 know this. But now, if I'm by myself, that
21 I need to call the doctor on.

22 Q I'm talking about then. You were
23 allowed to practice outside your written
24 job description when Mr. Patterson
25 presented to the jail?

1 A I said that he looked like he was
2 inebriated.

3 Q Not my question. You were allowed
4 to make a determination as to whether or
5 not a person was medically fit to enter the
6 Muskogee County Jail when Mr. Patterson --

7 A Uh-huh.

8 Q -- presented to the jail, correct?

9 A Right.

10 Q Even though that's not part of your
11 written job description?

12 A Right.

13 Q Correct?

14 A Right.

15 Q Okay. And you were allowed to
16 practice outside of your written job
17 description by your supervisors on what
18 occasions? When were you allowed to
19 practice --

20 A There's no nurses on the weekends.

21 Q So if there's no nurse, you get to
22 act as if you're the nurse on staff?

23 A No.

24 Q Well, you get to do assessments?

25 A I don't do assessments. I just let

1 them know that we can accept people.

2 Q Well, don't you have to do a
3 medical assessment before?

4 A Well, if I'm told about their
5 information and their medical needs.

6 Q Ma'am, what are you told -- you're
7 told that -- now things are different; is
8 that right? You're not allowed to do
9 assessments or admit somebody into a jail?

10 A My job now --

11 Q Yeah.

12 A -- or then?

13 Q Now?

14 A Now I don't have to do it.

15 Q And what changed?

16 A Knowledge of the job.

17 Q Now you know you're not allowed to
18 do what you did with Mr. Patterson?

19 A Correct.

20 Q Okay. And who made you aware of
21 that?

22 A Over the years, we've just
23 progressed and I've gotten better. I was
24 new CMA, new to the job.

25 Q But no one at the job who had been

1 there for an extensive period of time had a
2 problem with you making a determination as
3 to whether or not an inmate was medically
4 fit to enter a jail, correct?

5 A Correct.

6 Q On how many occasions did you do
7 that?

8 A I don't recall.

9 Q I mean, it seems like it was pretty
10 routine?

11 A I mean, I would have to go back and
12 -- what days I worked and who worked and...

13 Q We can assume that it was every
14 time it was a weekend, right? You were the
15 only one there?

16 A I didn't work every weekend.

17 Q Okay. Ma'am, it's true that you've
18 probably done this dozens and dozens of
19 times before you were told to not do it
20 anymore, fair?

21 A Maybe not dozens but a few.

22 Q Okay. And who told you -- you
23 could no longer do that?

24 A My boss.

25 Q Who's your boss?

1 A Ellen.

2 Q And when did Ellen tell you this?

3 A When we started having issues with
4 the officers bringing in people that were
5 inebriated.

6 Q Was it after Mr. Patterson's case?

7 A I don't recall.

8 Q And why did the -- and why did it
9 change? Why did the jail change their
10 practice of allowing you to make a
11 determination --

12 A We have new rules every day. I
13 mean, it changes daily.

14 Q Okay. When you say you have new
15 rules every day, it changes daily, who
16 changes the rules at the facility on a
17 daily basis?

18 A It depends on who's there.

19 Q Who are the people that would
20 generally change them?

21 A Administration.

22 Q Who in administration changed the
23 rules on a daily basis?

24 A People that worked in
25 administration.

1 number?

2 MR. SMOLEN: It's DDR #37.

3 It's Exhibit -- I have it as 1.

4 MR. BEN KELLER: Our Exhibit 1.

5 It's Bates 14.

6 MS. DARK: 14, thank you.

7 MR. BEN KELLER: Yeah.

8 Q (By Mr. Smolen) Do you have that
9 in front of you? He writes that Supervisor
10 Reynolds calls for Rachel in medical to
11 come triage Mr. Patterson. Are you allowed
12 to triage a patient?

13 A I am now. I've been trained in it,
14 how to do it.

15 Q Okay. Were you allowed to do it
16 then?

17 A Previously?

18 Q Yeah.

19 A No.

20 Q But you did with Mr. Patterson
21 because you were the only one on the floor
22 from the medical team?

23 A Right, on that day.

24 Q So because of the lack of nursing
25 staff at the facility, you had to do a

1 triage of Mr. Patterson during the intake
2 process, correct?

3 A Right.

4 Q And it says: Rachel came down to
5 intake and cleared Inmate Patterson for
6 acceptance, correct?

7 A Correct.

8 MR. SMOLEN: Let's go ahead and
9 get the video cued up so we can watch that.

10 MR. ARTUS: What exhibit is
11 that?

12 MR. BEN KELLER: 41?

13 MR. ARTUS: And you're going to
14 send all these to the court reporter like
15 we always do?

16 MR. BEN KELLER: Yeah. I think
17 14, 15 and 21 have already been used, but
18 I'll just send them.

19 MR. ARTUS: Okay.

20 Q (By Mr. Smolen) Ma'am, you've
21 reviewed this video prior to today,
22 correct?

23 A Yes.

24 MR. SMOLEN: We're going to
25 watch it one time through. Just turn the

1 volume up.

2 (Video playing)

3 Q (By Mr. Smolen) Ma'am, is that you
4 that we see entering the room?

5 A Yes.

6 Q And you're wearing blue scrubs?

7 A Yes.

8 Q Is that a typical uniform that you
9 wear at the jail?

10 A Yes.

11 Q Who provided you -- were you
12 provided with that uniform --

13 A No.

14 Q -- or something that you have?

15 A Have.

16 MR. SMOLEN: Go ahead.

17 Q (By Mr. Smolen) And -- and before
18 we get to this point, how were you -- why
19 were you coming down to booking?

20 A They had called me to come down.

21 Q Okay.

22 A Earlier -- somebody -- not Reynolds
23 -- I think it was Gilley that called me
24 down.

25 Q Okay. Gilley is the officer who

1 performed the intake?

2 A Yeah.

3 Q Okay. We can't see him in the
4 video but we can hear him asking questions,
5 correct?

6 A Correct.

7 Q And did you understand that he was
8 a supervisor or that Reynolds was a
9 supervisor?

10 A I don't remember at the time.

11 Q Okay. What did they ask you to do
12 specifically?

13 A I can't remember specifically, but
14 I believe it's to come down and see if I
15 would accept him or not.

16 Q Clear him for the jail?

17 A Yeah.

18 Q There's been testimony in multiple
19 depositions -- you might have reviewed it
20 during your preparation for the deposition
21 -- that there was a sheet of paper on the
22 door that essentially said look don't admit
23 anyone who has these types of issues. Do
24 you know what they're talking about?

25 A On the back -- the back door?

1 Q Yeah.

2 A Yeah.

3 Q What do you recall that sheet of
4 paper saying?

5 A It says if they can't walk in on
6 their own recogent -- is that right -- that
7 word -- right -- recognizance, I think.
8 Anyway, if they can't walk into the
9 facility, then the officers need to turn
10 around and take them to be cleared for
11 incarceration at the hospital. But I know
12 that now very well. Then at that moment, I
13 did not.

14 Q Okay.

15 A But I was --

16 Q There's a list of factors on the
17 sheet of paper at least as people have
18 described it?

19 A I don't remember what it says,
20 yeah.

21 Q It talks about like high blood
22 pressure or certain issues that might be --

23 A Yes.

24 Q -- discovered during the
25 assessment. Don't admit them if they have

1 these conditions?

2 A Conditions, yeah.

3 Q You weren't trained on that at the
4 time?

5 A No.

6 Q Okay. Is that -- I'm sorry, it's
7 double negative question. At the time
8 Mr. Patterson was booked into the jail,
9 it's correct that you were not trained on
10 that at the time?

11 A Correct.

12 Q Okay. You've now been trained on
13 it?

14 A Yes, yes.

15 Q How recently were you trained on
16 it?

17 A Let's see. That was in 2108, so I
18 want to say like the end of 2018 after this
19 incident.

20 Q Okay. After this incident?

21 A Yes.

22 Q Were you the only one trained on it
23 or were other people trained on it?

24 A I'm not sure.

25 Q Okay. Did you understand the

1 training had to do with -- with essentially
2 what was discovered during the
3 investigation into Mr. Patterson's death?

4 A No, I did -- at the time, I didn't
5 know that he had passed away.

6 Q Okay.

7 (Video playing)

8 Q What were you told by Officer
9 Rochell, who we see in the video, about
10 Mr. Patterson during this interaction?

11 A I don't remember talking to him.

12 Q Okay. Who told you what
13 Mr. Patterson had been arrested for?

14 A If you go back a little bit, I
15 asked Reynolds. I think I asked him either
16 is he on something or what's he here for?
17 And he said -- what did he say?

18 Q Well, we can back up.

19 MR. SMOLEN: Why don't you back
20 it up turn it up a little bit louder.

21 THE WITNESS: I can't remember
22 what he said when I asked him.

23 (Video playing)

24 THE WITNESS: Tweaking.

25 (Video playing)

1 THE WITNESS: Is that -- is
2 that the officer talking?

3 (Video playing)

4 Q (By Mr. Smolen) At this point in
5 time, have you already cleared
6 Mr. Patterson?

7 A Yeah, I believe so.

8 Q Because they're reading off -- and
9 that's at 8 -- 8:37 a.m., they're reading
10 off the rules of incarceration, it sounds
11 like, at the facility to Mr. Patterson?

12 A Yes.

13 Q So that would say to us that he's
14 already been told that he's going to be
15 admitted?

16 A Yes.

17 Q Okay. So I want to go back and --
18 before this time. And what did you do to
19 assess Mr. Patterson?

20 A I just checked over his eyes and
21 made sure he could understand me clearly
22 and speak verbally.

23 Q Let's go back and look at that.
24 Were you told that they thought he was
25 intoxicated or withdrawing?

1 nurse look over you --

2 A Uh-huh.

3 Q -- you don't tell Mr. Reynolds in
4 the video, hey, I'm not a nurse?

5 A No, not at the time.

6 Q Okay.

7 (Video playing)

8 MR. SMOLEN: Pause it right
9 there.

10 Q (By Mr. Smolen) What were you
11 going to do?

12 A I was going to help him take off
13 his jewelry.

14 Q Okay.

15 A And then Reynolds pushed my hand
16 away.

17 Q And told you not to touch him
18 unless you had gloves on?

19 A Yes.

20 Q Okay.

21 A I was trying to help him out.

22 Q Okay. You were just trying to help
23 get his jewelry off.

24 A Uh-huh.

25 (Video playing)

1 Q All right. What does Mr. Reynolds
2 ask you there?

3 A He said is he good -- I don't know
4 if says -- calls me babe or something --
5 and then I said, yeah, yeah.

6 Q Okay. So at this point in time, at
7 8:37 and one second, you've completed your
8 assessment to allow Mr. Patterson in the
9 jail?

10 A To stay, yes.

11 Q I want to look at --

12 MR. SMOLEN: It's our Exhibit
13 15, Ben, at 167.

14 MR. BEN KELLER: Yeah, it's our
15 --

16 MR. SMOLEN: Or 14, I'm sorry.

17 Q (By Mr. Smolen) There was a health
18 services policies and procedures titled
19 Detoxification, okay? It was No. J19. Do
20 you recall reviewing this prior to your
21 deposition?

22 A Did you give me that paper?

23 MR. BEN KELLER: It's DDR 2,
24 Page 167.

25 Q (By Mr. Smolen) Do you recall

1 there being a detoxification policy and
2 procedure at the jail?

3 A If there is, I didn't read it.

4 Q Okay.

5 A I haven't -- I don't think I -- I'm
6 not 100 percent sure. Is this -- okay.
7 Oh, it's in the policy and procedures,
8 okay.

9 Q You see it's in the policies and
10 procedures for the Muskogee County
11 Detention Center?

12 A Yeah.

13 Q Okay. Did you know that this
14 policy existed at the time that
15 Mr. Patterson was booked into the jail?

16 A No.

17 Q Don't you think it would have been
18 important for you to have been informed
19 about this policy and procedure
20 specifically about the detoxification
21 process prior to Mr. Patterson being booked
22 in?

23 A Yes.

24 Q Okay. See here it says here: All
25 persons entering the jail are evaluated for

1 the risk of alcohol and/or drug
2 intoxication and withdrawal and provided
3 with treatment if clinically indicated,
4 correct?

5 A Correct.

6 Q You weren't aware of that at the
7 time Mr. Patterson was book into the jail,
8 correct?

9 A Correct.

10 Q Okay. No. 2 says: Established
11 protocols are followed for the treatment
12 and observation of individuals manifesting
13 symptoms of intoxication or withdrawal.
14 Protocols are approved by the medical
15 director, are current and are consistent
16 with nationally accepted guidelines.

17 Were you aware at the time
18 Mr. Patterson was booked into the Muskogee
19 County Jail that whether -- one way or the
20 other, whether there were protocols in
21 place that pertained to the intoxication or
22 withdrawal that an inmate might be having?

23 A Say that one more time.

24 Q Were you aware at the time
25 Mr. Patterson was booked into the Muskogee

1 County Detention Center, one way or the
2 other, whether there were any protocols
3 that existed that specifically pertained to
4 the withdrawal or intox -- intoxication --

5 A No.

6 Q -- protocol as it pertained to an
7 inmate being booked?

8 A No.

9 Q Okay. No. 4 states: Patients
10 experiencing severe life-threatening
11 intoxication, overdose or withdrawal are
12 transferred immediately to a licensed
13 community hospital. Did you know that that
14 was a policy at the time?

15 A Yes.

16 Q Okay. And if you were told that
17 Mr. Patterson was withdrawing, why did you
18 not have him transferred to a community
19 hospital?

20 A Nobody said he was withdrawing.
21 They said he was tweaking.

22 Q When were you told he was
23 withdrawing?

24 MR. ARTUS: Object to the form.

25 THE WITNESS: I was never

1 in. And when they're on camera, they're --
2 I know that main control is supposed to
3 check on them every 15 minutes and...

4 Q Check on them? What do you mean by
5 check on them?

6 A Like they'll look at the -- they'll
7 look on the cameras, they'll look on their
8 screen downstairs, and then they'll call in
9 like, hey, are you okay? What's going on?
10 Can we get you anything? But, I mean, I
11 don't know their whole job title.

12 Q I want you to look at Page 2.
13 Under Management, it says: If the
14 following conditions exist, the patient
15 will be sent to the hospital for medical
16 treatment. Patient with unstable vital
17 signs or that is unresponsive, correct?

18 A Correct.

19 Q Okay. You never took Mr.
20 Patterson's vital signs, agreed?

21 A Agreed.

22 Q Okay. You would have to take their
23 vital signs before you would know whether
24 or not they were unstable, correct?

25 A Correct.

1 Q Okay. So it's fair to say that you
2 weren't compliant at least with this policy
3 as it pertained to Mr. Patterson?

4 A I wasn't aware.

5 Q And now that you are aware --

6 A Yes.

7 Q -- you would agree with me that
8 because we know you didn't take vital
9 signs, you did not act consist with this --
10 at least this written policy?

11 A Right.

12 Q Had anyone ever trained you, taught
13 you, told you, that you had to take an
14 inmate's or potential arrestees vital signs
15 before admitting them into the jail?

16 A No.

17 Q Okay. Do you understand that now?

18 A Yes.

19 Q Okay. When did you learn that and
20 by whom?

21 A Nurse Ellen, and it was probably a
22 good year after I started.

23 Q Okay. How long after
24 Mr. Patterson's death, did that policy
25 change or that practice change?

1 was a diabetic, do you?

2 A I did not know that.

3 Q That's not my question. Are you
4 disputing that Mr. Patterson disclosed he
5 was diabetic?

6 A Am I disputing it?

7 Q Yes.

8 A I didn't know. No one told me.

9 Q You know now, though, that
10 Mr. Patterson disclosed he was diabetic?

11 A Uh-huh.

12 Q Correct?

13 A Yes.

14 Q Yeah, okay. And despite disclosing
15 that he was diabetic during the screening
16 process, you, as the health care provider,
17 never came up with any individual treatment
18 plan, correct?

19 A No.

20 Q What's the procedure, ma'am, that
21 you're supposed to follow, at least
22 according to this written policy, as it
23 pertains to inmates who have been
24 identified as having a chronically ill
25 condition?

1 A Well, if I was notified that he was
2 diabetic, I would have took certain steps
3 to get him treated, but I was never
4 notified.

5 Q And you took no steps to review the
6 screening intake form?

7 A No, I never look at those. I don't
8 even know where they go.

9 Q You're saying if you had been told
10 he was diabetic, you would have put
11 together a treatment plan; is that fair?

12 A I can't put together a treatment
13 plan, but I can call a nurse that can
14 because I'm not a nurse.

15 Q Well, this isn't limited to nurses,
16 though, is it?

17 A I'm not sure. I can't answer that
18 question.

19 Q Well, it just says health care
20 provider, right, which you've identified
21 yourself as that?

22 A Yeah. But me, I don't have any
23 specialized training.

24 Q Well, you got a couple of weeks
25 under your belt, right?

1 Subsection 1?

2 A I was never --

3 Q Ma'am, what --

4 A Can I answer your question?

5 Q Well, there isn't a question
6 pending.

7 A You just asked me a question.

8 Q No, I asked you to look at
9 Subsection 1.

10 MR. ARTUS: Let him finish his
11 question.

12 Q (By Mr. Smolen) I want to read to
13 the jury what the written procedure was at
14 the Muskogee County Jail when Mr. Patterson
15 was booked in prior to his death as it
16 pertained to the receiving screening
17 process?

18 A Which part? Starting there?

19 Q Yeah.

20 A During the receiving screening
21 process, health care staff will identify
22 patients with special health care needs and
23 refer them for the appropriate treatment
24 planning.

25 Q There we go. During the receiving

1 screening process, health care staff --
2 that's you, right?

3 A Correct.

4 Q Okay. Will identify patients with
5 special health care needs and refer them
6 for appropriate treatment planning,
7 correct? You did not do that for Mr.
8 Patterson, though, did you?

9 A I did not know he was diabetic.

10 Q And I did not do anything to
11 identify it, did you?

12 A No, was it -- I'm sorry?

13 Q You did nothing to identify him as
14 being diabetic?

15 A No, I didn't check his sugar, if
16 that's what you're asking.

17 Q I mean, you didn't even ask him?

18 A I didn't -- that wasn't -- that's
19 part -- that's part of the screening intake
20 when they come in. Gilley asked him. If
21 Gilley would have told me, hey, medical,
22 before you go upstairs --

23 Q But, ma'am, where does it say here
24 --

25 A -- he's diabetic.

1 Q -- that that's Gilley's
2 responsibility?

3 A They always tell us what's going
4 on.

5 Q That's not what I'm asking you.
6 Where does it say in here that it's Gilley
7 responsibility to do that for you?

8 A It doesn't say Gilley needs to tell
9 me.

10 Q It says it's your job to find out,
11 right?

12 A And I asked him, are you on
13 anything, and he said no.

14 Q Ma'am, it's your job to find out if
15 a patient or an arrestee, okay, has a
16 special need, including diabetes?

17 A Right. But if I had been trained
18 on it, then I would have probably or almost
19 likely would ask him if he's diabetic.

20 Q But you hadn't been trained to do
21 that?

22 A Right, I told you that previously.

23 Q No, you told me that you had been
24 trained to do any kind of vital signs?

25 A Right.

1 Q Who told that?

2 A Who told me what?

3 Q What you just testified to? How
4 did you have that information?

5 A On these things. These -- from the
6 video and the deposition -- these papers.

7 Q You're just gathering information
8 that you've skimmed over and you're kind of
9 regurgitating it --

10 A Yeah.

11 Q -- during your deposition?

12 A I mean, I wasn't told any of this
13 information.

14 Q Okay.

15 A It's been four years.

16 Q You did not see this giant puddle
17 --

18 A No.

19 Q -- of green vomit?

20 A No.

21 Q Correct?

22 A Correct.

23 Q Even though it's your testimony now
24 that you went down and looked into
25 Mr. Patterson's cell?

1 A When he was in 114.

2 Q So you never checked on him when he
3 was in this --

4 A 113.

5 Q You never checked on him in 113?

6 A No.

7 Q And no one ever told that you he
8 had been repeatedly vomiting?

9 A No.

10 Q If you had been told that, what
11 would you have done?

12 A Called Ellen.

13 Q Okay. And who do you blame for not
14 letting you know about Mr. Patterson's
15 condition in 113?

16 A I can't blame anyone, but I was
17 never notified.

18 Q What do you mean you can't blame
19 anyone? Who would have been the -- who
20 would you have expected to tell you?

21 A Main control.

22 Q Okay. And they did not?

23 A Correct. Or the CO's. They're
24 supposed to do cell checks every hour.
25 They would have noticed a big puddle of

1 know he was an inmate --

2 Q Did you know anything about him?

3 A No.

4 Q Did you take any steps to find
5 anything out about him?

6 A No, not at the current time.

7 Q Not at any time, did you?

8 A What do you mean?

9 Q At any time that Mr. Patterson was
10 housed in the Muskogee County Jail, did you
11 take any steps to ascertain any information
12 about him?

13 A No, he was sent out.

14 Q When is the next time that you
15 actually had a visible observation of
16 Mr. Patterson after he was booked?

17 A I don't remember exactly.

18 Q Well, why don't you go with your
19 best what you generally remember?

20 A It was when he was in 114, and so
21 it would have been the Sunday evening
22 before I went home. I went to main control
23 and asked Tonia to pull him up on camera.
24 This is after they had moved him and looked
25 at him and looked in and he was in 114 and

1 he was moving.

2 Q And is that all you were to check
3 for to see if he was moving?

4 A And breathing yeah, alive.

5 Q Moving, breathing and alive?

6 A Correct.

7 Q That was the extent of how you had
8 been trained to check on Mr. Patterson?

9 MR. ARTUS: Object to the form.

10 THE WITNESS: I wasn't trained
11 but that's what I did.

12 Q (By Mr. Smolen) Okay. And if he
13 wasn't breathing, what did you understand
14 your response to be?

15 A Well, I would -- would start CPR,
16 and they would have called is 911. There
17 are steps to take.

18 Q When were you told that
19 Mr. Patterson had not been moving and that
20 he had been laying in the same position?

21 A He never stopped moving that I was
22 aware of. Nobody told me.

23 Q You said the last time -- is that
24 you asked -- you asked master control to
25 look in on him again when he was in 114; is

1 that right?

2 A Uh-huh.

3 Q Did you -- is that a yes?

4 A Yeah.

5 Q Okay. Did you ever, yourself,
6 visualize Mr. Patterson?

7 A Did I see him on the screen, yes.

8 Q Did you ever go check on him in 114
9 in the cell?

10 A No, I can't go back there without
11 an officer.

12 Q Did you ever take an officer and go
13 back there?

14 A No.

15 Q What time does your shift end,
16 ma'am?

17 A 7:00.

18 Q And you said you had master control
19 pull him up right before you left?

20 A Yeah, about 10, 15 minutes maybe
21 before I left.

22 Q And what did Tonia tell you?

23 A The same thing I just told you.
24 That he was moving around, he was still
25 laying in the floor, that he was still

1 naked, and that's it.

2 (Video playing)

3 Q Okay. I'm showing you a video from
4 Cell 114 now at 5:08 p.m. Is this what you
5 recall seeing when you looked at the video
6 or was it different than this?

7 A I -- I mean, I don't recall but,
8 yeah. I mean, it was 2018. I don't
9 remember exactly how he was.

10 Q So roughly 12 hours Mr. Patterson
11 has been lying naked in a cell kind of
12 writhing around on the floor, right?

13 MR. ARTUS: Object to the form.

14 THE WITNESS: Not in the same
15 cell. He was in 113. Then he moved to 114
16 so, no.

17 Q (By Mr. Smolen) He continued to
18 have the same behavior in both cells,
19 correct?

20 A Correct.

21 Q Okay. And that behavior is
22 consistent with what we're watching on the
23 video around 5:09 p.m. on the 17th,
24 correct?

25 A Uh-huh.

1 Q Yes?

2 A Yeah.

3 Q And you had no concern by what you
4 were observing?

5 A I mean, they usually do -- I mean,
6 they -- I mean, he was hot. He was naked.
7 He was on drugs. I mean, I don't know how
8 -- what he does. He's got clothes right
9 there. The officer should have helped him
10 put it on.

11 Q But you don't think Mr. Patterson
12 looks like he's in any kind of distress?

13 A No.

14 Q Do you believe Mr. Patterson was
15 treated appropriately at the Muskogee
16 County Jail?

17 A No.

18 Q And why do you say that? What --
19 what is your basis for saying that?

20 A Well, after I had left previous,
21 when they -- the officers put him in 113,
22 first of all, they should have at least
23 tried to put the clothes on him. But I
24 don't know. I wasn't there. I don't know
25 what happened.

1 Q Officer Gilley -- did he say
2 anything to you during the intake process
3 that could explain why he's acting this
4 way? Did maybe Gilley goes, well, he did
5 mention he's diabetic and insulin
6 dependent, and then you say, oh, well,
7 maybe we should check his blood sugar, like
8 that?

9 A I didn't talk to Officer Gilley. I
10 talked to Officer Reynolds that was there
11 with him.

12 Q You didn't talk to the intake
13 officer?

14 A Right. But I didn't know that they
15 -- how they do their medical intake at the
16 time. I wasn't trained.

17 Q Ma'am, it doesn't take a whole lot
18 of training to ask a person, hey, did this
19 guy say anything on his intake that might
20 lead you to understand what's going on with
21 him?

22 A I didn't know to ask that.

23 Q Okay. And who do you think is
24 responsible for not making sure that you
25 knew that you could ask the intake

1 Q But you think it's safe to have
2 what you've described yourself as the
3 bottom of the barrel?

4 A Uh-huh.

5 Q Okay. That's how you described
6 yourself, correct?

7 A I don't have an LPN.

8 Q You think it's safe to have the
9 bottom of the barrel there on weekends for
10 inmates who come in that have serious
11 medical needs?

12 A Well, if they come in with serious
13 medical needs, then -- I mean, as now I
14 know, I would call.

15 Q I'm talking about then when
16 Mr. Patterson died?

17 A Oh, no.

18 Q Do you still think that's safe?

19 A No.

20 Q Okay. It was unsafe the way that
21 it was set up at the time Mr. Patterson was
22 admitted into the jail, correct?

23 A Correct.

24 Q What do you recall about Monday?
25 Did you come to work on Monday?

1 A Putting the blanket under his head.

2 Q Okay.

3 A So it was at least not rolling
4 around on concrete. I don't know who's
5 there at the door.

6 Q Is this when you believe Ellen
7 stepped out and called Dr. Smith?

8 A No. I don't -- no, she was in
9 there first and then she stepped out, I
10 believe. Yeah, because she comes in first.

11 Q Okay. But this is the encounter
12 where you believe she called Dr. Smith?

13 A Yeah, she did -- yeah, she checked
14 on him first and then she steps out.

15 Q And calls him?

16 A Yeah. And then I think Kelsey
17 comes in shortly after or she's standing at
18 the door.

19 Q What did she hand you?

20 A The oxygen thing.

21 Q Pulse ox?

22 A Yeah.

23 Q And what do you do with it?

24 A I put it on his finger.

25 Q Okay. And what did it show you?

1 A It didn't show anything because his
2 hands were too cold, so I had to take it
3 off -- well, in the video, I take it off
4 and then I'm trying to rub his hands to get
5 him to warm up.

6 Q Because he's so cold to the touch
7 by this point?

8 A Yeah. Usually, it's colder in
9 detox, but he -- I mean, he doesn't have
10 any clothes on.

11 Q Right. But you said that the pulse
12 oximeter did not work because he was too
13 cold?

14 A Yeah. It usually won't read your
15 oxygen level if you're too cold.

16 Q How do you know -- what is your
17 basis for that information?

18 A It happens all the time. If you
19 don't have kind of a warm fingertip, it
20 can't read it. You've got to keep trying
21 and trying. You've got to rub the hand,
22 warm it up.

23 Q His pulse ox was so low that the
24 machine wasn't reading it, correct?

25 A No, it was his hands -- they were

1 too cold.

2 Q Did you ever get a reading?

3 A Did I ever get a reading, no.

4 Q Because you could never get his
5 body warm enough to get a reading?

6 A His body?

7 Q Yeah.

8 A No.

9 Q It was important for you to get a
10 pulse ox, yes?

11 A It's important for all vitals, yes.

12 Q Okay. But you didn't stick around
13 long enough to actually get them?

14 A No. Ellen takes over when she
15 comes down.

16 Q And neither of you stood around
17 long enough to get his vitals on the pulse
18 ox?

19 A Kelsey was with her. She's also a
20 --

21 Q Right. All three of you failed to
22 do that?

23 A All three failed what?

24 Q To get his pulse ox reading?

25 A If we can't get it, we can't get

1 on him, didn't you?

2 A I did.

3 Q And on Sunday, did you ever notice
4 -- to you, did you ever see anything that
5 you were like, hey, I need to call Nurse
6 Ellen or I need to call 911?

7 A Not on Sunday, no.

8 Q And you have diabetes, right?

9 A Correct.

10 Q And you've had it for -- since
11 before Mr. Patterson was put in the jail,
12 right?

13 A Oh, yeah.

14 Q Now Nurse Ellen has testified that
15 you -- that she trained you to check those
16 intake questions when inmates would come
17 in; that you -- that one of your jobs was
18 to check that; do you disagree with that?

19 A At the time or now?

20 Q At the time?

21 A At the time, yeah, I do.

22 Q Okay. Is it possible that you just
23 don't recall being trained on that?

24 MR. SMOLEN: Objection,
25 leading.